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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff

vs.

ALEJANDRA ENRIQUEZ-ATUNEZ,

Defendant

CASE NO. 2:21-CR-00169-CDS-BNW

Stipulation to Continue Sentencing (First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney for the District of Nevada, and Kimberly Sokolich, Assistant United States Attorney, and Jacqueline Tirinnanzi, counsel for Defendant Alejandra Enriquez-Atunez, that the sentencing hearing currently scheduled for February 2, 2023, at 11:00 a.m. (ECF No. 90) is continued for no sooner than 45 days, to a date and time convenient to this Court. This stipulation is made and based upon the following:

1. Ms. Enriquez Atunez entered a change of plea on November 3, 2022, pleading guilty to one count of Conspiracy to Distribute a Controlled Substance under 21 U.S.C. §§ 846, 841(a)(1), 841(b)(A)(viii) ad (b)(1)(C). ECF No. 89.
2. For the duration of her case, Ms. Enriquez Atunez has been on pretrial release and

has been fully compliant with the conditions of her release.

3. Defense Counsel’s ability to effectively and thoroughly explore all factors relevant to Ms. Enriquez Atunez’s sentencing and mitigation presentation requires additional time for the following reasons. Counsel is awaiting documentation that is relevant to Ms. Enriquez Atunez for purposes of sentencing, the expert assisting defense counsel requires additional time due to delays onset from covid and resulting scheduling conflicts, and in early January 2023, Ms. Enriquez Atunez was a victim of theft which included her personal identifying information and electronic devices (material on said devices was relevant to sentencing and Ms. Enriquez Atunez is in the process of recovering materials).
4. Ms. Enriquez Atunez does not oppose the continuance request.
5. This is the first request for a continuance of the sentencing hearing.
6. The additional time requested herein is sought in good faith and not for purposes of delay.
7. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed [for sentencing] in this rule.” Furthermore, a delay in sentencing does not implicate or undermine the defendant’s speedy trial rights under the United States Constitution, which terminated upon conviction. *See Betterman v. Montana*, 136 S.Ct. 1609, 1617-18 (2016).
8. Denial of this request for continuance would deny counsel for Ms. Enriquez Atunez sufficient time to effectively and thoroughly prepare for sentencing, taking into account due diligence. Accordingly, a denial of this request for continuance could result in a miscarriage of justice.

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2 Dated this 23rd day of January 2023.
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5 /s/ Kimberly Sokolich
6 Assistant U.S. Attorney
Counsel for the United States
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/s/ Jacqueline Tirinnanzi
Counsel for Alejandra Enriquez Atunez

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CASE NO. 2:21-CR-00169-CDS-BNW

**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Ms. Enriquez Atunez entered a change of plea on November 3, 2022, pleading guilty to one count of Conspiracy to Distribute a Controlled Substance under 21 U.S.C. §§ 846, 841(a)(1), 841(b)(A)(viii) ad (b)(1)(C). ECF No. 89.
2. For the duration of her case, Ms. Enriquez Atunez has been on pretrial release and has been fully compliant with the conditions of her release.
3. Defense Counsel's ability to effectively and thoroughly explore all factors relevant to Ms. Enriquez Atunez's sentencing and mitigation presentation requires additional time for the following reasons. Counsel is awaiting documentation that is relevant to Ms. Enriquez Atunez for purposes of sentencing, the expert assisting defense counsel requires additional time due to delays onset from covid and resulting scheduling conflicts, and in early January 2023, Ms. Enriquez Atunez was a victim of theft which included her personal identifying information and electronic devices (material on said devices was relevant to sentencing and Ms. Enriquez Atunez is in the process of recovering materials).

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4. Ms. Enriquez Atunez does not oppose the continuance request.
5. This is the first request for a continuance of the sentencing hearing.
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7. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed [for sentencing] in this rule.” Furthermore, a delay in sentencing does not implicate or undermine the defendant’s speedy trial rights under the United States Constitution, which terminated upon conviction. *See Betterman v. Montana*, 136 S.Ct. 1609, 1617-18 (2016).
8. Denial of this request for continuance would deny counsel for Ms. Enriquez Atunez sufficient time to effectively and thoroughly prepare for sentencing, taking into account due diligence. Accordingly, a denial of this request for continuance could result in a miscarriage of justice.

ORDER

Based upon the stipulation of the parties, and good cause appearing, it is hereby ORDERED that Ms. Enriquez Atunez’s sentencing hearing currently scheduled for February 2, 2023, at 11:00 a.m., be VACATED.

IT IS FURTHER ORDERED that the sentencing hearing is reset for Monday, March 20, 2023 at the hour of 10:30 a.m. before Judge Cristina D. Silva.

DATED: 1/24/2023



THE HONORABLE CRISTINA D. SILVA
UNITED STATES DISTRICT JUDGE